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REMARKS

Claims 6-15 are pending. Claim 6 is amended herein. Claims 1-5 are cancelled. New claims 9-15 are added. Applicants reserve the right to file divisional/continuation applications to the cancelled subject matter.

Claim 6 is amended to conform the scope of the claim to the elected subject matter. Claim 6 is also amended to replace the variable R^{13} in the definition of "Z" with the variable R^{13a} . The amendment corrects a typographical error in duplicating the variable R^{13} . Claim 6 is further amended to recite possible substituents on alkyl, aryl, heteroaryl or alkoxy groups. Basis for the amendment can be found on specification page 13, lines 6-15. The specification describes that alkyl, aryl, heteroaryl or alkoxy groups can be substituted with one or more substituents selected from alcohol, ether, ester, amide, sulfone, sulfide, hydroxyl, nitro, cyano, carboxy, amine, heteroatom, lower alkyl, lower alkoxy, lower alkoxy carbonyl, alkoxyalkoxy, acyloxy, halogen, trifluoromethoxy, trifluoromethyl, alkyl, aralkyl, alkenyl, alkynyl, aryl, cyano, carboxy, carboalkoxy, carboxyalkyl, cycloalkyl, cycloalkylalkyl, heterocyclyl, alkylheterocyclyl, heterocyclylalkyl, oxo, arylsulfonyl and aralkylaminocarbonyl.

The specification is amended to correct inadvertent typographical errors. For example, the specification on page 12, line 18, is amended to replace the term "heteroaryl" with the term "heterocycle". The amendment finds basis in the same paragraph where the term "heterocycle" is further described. The specification is also amended to correct errors in naming compounds of Examples 59, 118 and 132. The amendments find basis in the corresponding structures of the compounds. No new matter is added.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

1. Substituents on groups R^6 and R^{13}

Claims 1 and 6 are rejected under 35 U.S.C. § 112, second paragraph, for alleged failing to set forth the subject matter which applicants regard as the claimed subject matter. The Office Action alleges that the claims do not specify whether the substituents R^6 and R^{13} in the claims are substituted or unsubstituted. The Office Action further requires that the claims be amended to import the description of substituents from the specification.

Applicants respectfully submit that amended claim 6 clarifies that R^{13} in claim 6 can be substituted or unsubstituted and recites the definition of substituents on R^{13} . Applicants request reconsideration and removal of the rejection.

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2. Recitation of X as N

The Office Action alleges that the recitation of X as N in claims 1 and 2 is unclear. Applicants note that the rejection is rendered moot by cancellation of claims 1 and 2.

REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-3, 6, 7 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by various references. Applicants submit that the rejections to claims 1-5 are rendered moot by cancellation of these claims. As discussed below, the claims presented herein are not anticipated by the cited references.

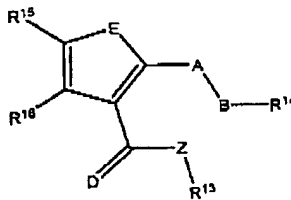
1. U.S. Patent No. 6,335,334

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Schindler *et al.* (U.S. Patent No. 6,335,334). Applicants note that claims 1 and 3 are cancelled herein.

2. J. Med. Chem. 1999, 42, 4485-99

Claims 1-3, 6 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wu *et al.*, J. Med. Chem. 1999, 42, 4485-99. The Office Action alleges that the reference discloses compounds within the scope of Formula II, wherein R¹⁵ and R¹⁶ are hydrogen, E is sulfure, D is oxygen, Z is NH, R¹⁴ is substituted heteroaryl and R¹³ is substituted aryl.

Applicants respectfully submit that claim 6 is directed to thiophene-2-sulfonamides of Formula II:



(II)

where the substituents are as defined therein. The compounds disclosed in Wu *et al.* are 3-isoxazolylsulfamoyl-2-thiophenecarboxamides. These compounds are not within the scope of the thiophene-2-sulfonamides claimed in instant claim 6. Therefore, Wu *et al.* does not anticipate claim 6 and claims dependent thereon. Applicants request reconsideration and removal of the rejection.

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3. WO 98/13366

Claims 1-3, 6 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/13366. The Office Action alleges that disclosure of N-(4-chloro-3-methyl-5-isoxazolyl)-2-(3-hydroxy-2,4,6-trimethylphenylaminocarbonyl)thiophene-3-sulfonamide and N-(4-chloro-3-methyl-5-isoxazolyl)-2-(3-pyrrolidinyl-2,4,6-trimethylphenylaminocarbonyl)thiophene-3-sulfonamide anticipates claims 1-3, 6 and 7.

Applicants note that claim 7 is withdrawn from consideration. It appears that the Office Action intended to apply the rejection to claim 8.

As discussed above, claim 6 is directed to thiophene-2-sulfonamides of Formula II. The claim does not encompass thiophene-3-sulfonamides. The compounds disclosed in WO 98/13366 are thiophene-3-sulfonamides. These compounds are not within the scope of instant claim 6. Therefore, disclosure of WO 98/13366 does not anticipate claim 6 and claims dependent thereon. Applicants request reconsideration and removal of the rejection.

4. WO 02/28353

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 02/28353. Applicants note that claims 1 and 3 are cancelled herein.

DOUBLE PATENTING

Claims 1-3, 6 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over copending Application No. 10/924,180. Applicants hereby request that the rejection be held in abeyance until an indication of patentable subject matter is given, at which point a need for Terminal Disclaimer may be evaluated.

OBJECTIONS

Specification

The specification is objected for the recitation of "heteroaryl" on page 12, line 18. Applicants respectfully submit that the typographical error in the specification on page 12, line 18, has been corrected to replace the term "heteroaryl" with the term "heterocycle". The amendment finds basis in the same paragraph where the term "heterocycle" is further described.

Claim objections

Claim 6

Claim 6 has been amended to insert a semicolon at the end of line 5, page 82.

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Non-elected subject matter

As amended herein, claims do not contain non-elected subject matter.

Dependent claims

Dependent claims 2, 3 and 8 are objected as being dependent on a rejected base claim. Applicants submit that claims 2 and 3 are cancelled. Claim 8 depends from claim 6. As discussed above, instant claim 6 is patentable over the art of record. Reconsideration and withdrawal of the objection is requested

In view of the above, allowance of the application is respectfully requested.

Applicant hereby petitions under 37 C.F.R. §1.136 for one (1) month extension of time. Please apply the Petition for Extension of Time Fee for one month of \$60 and any other charges or any credits to Jones Day Deposit Account No. 50-3013.

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Respectfully submitted,



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